

68904 U.S. PTO



07/09/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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#7

Applicants: Gary K. Michelson
Serial No.: 08/480,908
Filing Date: June 7, 1995
For: THREADED FRUSTO-CONICAL
INTERBODY SPINAL FUSION
IMPLANTS
Examiner: Brown, M.
Art Unit: 3301
Atty's Docket No.: P-12552

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.97 & 1.98

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. §§1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(c) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c) this Information Disclosure Statement is accompanied by a fee of \$230.00 as specified by section 1.17(p).

The documents listed on pages 1 through 8 of the attached PTO form 1449 were previously submitted to the Examiner in

08/06/1997 SCHREYER 00800961 08180908 pending application Serial No. 07/968,240 on which
01 FC:126 230.00 OP

applicant claims priority rights under 35 U.S.C. § 120. The documents listed on pages 9 through 11 of the attached Form PTO 1449 were previously submitted to the Examiner in Applicant's co-pending application Serial NO. 08/396,414 on which applicant claims priority rights under 35 U.S.C. § 120. For the Examiner's convenience, Applicant has placed references identified in the background of Applicant's application on pages 1 and 2 of the attached form 1449. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material to patentability or constitute "prior art". If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant also brings to the Examiner's attention Applicant's co-pending applications 08/484,928 filed 6/7/95, 08/480,904 filed 6/7/95, 08/474,478 filed 6/7/95, 08/723,592 filed 10/1/96 and 08/479,596 filed 6/7/95.

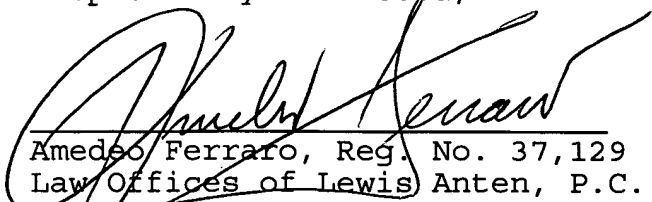
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention

over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 01-2138.

Respectfully submitted,

Dated: 7-9-97


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OMB No. 0651-0011

INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Atty. Docket No. P-12552				Serial No. 08/480,908			
Applicant Gary K. Michelson, M.D.							
Filing Date June 7, 1995				Group 3301			
U.S. PATENT DOCUMENTS							
Examiner Initial*		Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
		2,372,622	3/27/45	Fassio			
		2,677,369	5/4/54	Knowles			
		3,605,123	9/20/71	Hahn			
		3,867,728	2/25/75	Stubstad et al.			
		3,875,595	4/8/75	Froning			
		3,905,047	9/16/75	Long			
		3,952,334	4/27/76	Bokros et al.			
		3,987,499	10/26/76	Scharbach et al.			
		4,070,514	1/24/78	Entherly et al.			
		4,168,326	9/18/79	Broemer et al.			
		4,309,777	1/12/82	Patil			
		4,349,921	9/21/82	Kuntz			
		4,401,112	8/30/83	Rezaian			
		4,405,319	9/20/83	Cosentino			
		4,439,152	3/27/84	Small			
		4,501,269	2/26/85	Bagby			

		4,535,485	8/20/85	Ashman et al.			
		4,542,539	9/24/85	Rowe, Jr. et al.			
		4,547,390	10/15/85	Ashman et al.			
		4,553,273	11/19/85	Wu			
		4,554,914	11/26/85	Kapp et al.			
		4,604,995	8/12/86	Stephens			
		4,608,052	8/26/86	Van Kampen et al.			
		4,634,720	1/6/87	Dorman et al.			
		4,636,217	1/13/87	Ogilvie et al.			
		4,636,526	1/13/87	Dorman et al.			
		4,645,503	2/24/87	Lin et al.			
		4,655,777	4/7/87	Dunn			
		4,661,536	4/28/87	Dorman et al.			
		4,693,721	9/15/87	Ducheyne			
		4,698,375	10/6/87	Dorman et al.			

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub Class	Translation Yes or No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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Examiner	Date Considered
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

OMB No. 0651-0011

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Filing Date June 7, 1995				Group 3301			
U.S. PATENT DOCUMENTS							
Examiner Initial*		Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
		Re. 31,865	4/16/85	Roux			
		Des. 245,259	8/2/77	Shen			
		Des. 257,511	11/11/80	Zahn			
		350,420	10/5/1886	Dillon			
		1,137,585	4/27/15	Craig			
		2,065,659	12/29/36	Cullen			
		2,181,746	11/28/39	Siebrandt			
		2,243,718	5/27/41	De G. Moreira			
		2,514,665	7/11/50	Myller			
		2,537,070	1/9/51	Longfellow			
		2,543,780	3/6/51	Hipps et al.			
		2,774,350	12/18/56	Cleveland			
		2,789,558	4/23/57	Rush			
		2,832,343	4/29/58	Mose			
		2,842,131	7/8/58	Smith			

		3,128,768	4/14/64	Geistauts			
		3,298,372	1/17/67	Feinberg			
		3,426,364	2/11/69	Lumb			
		3,486,505	12/30/69	Morrison			
		3,604,487	9/14/71	Gilbert			
		3,709,219	1/9/73	Halloran			
		3,720,959	3/20/73	Hahn			
		3,750,652	8/7/73	Sherwin			
		3,848,601	11/19/74	Ma et al.			
		3,855,638	12/24/74	Pilliar			
		3,892,232	7/1/75	Neufeld			
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		3,948,262	4/6/76	Zaffaroni			
		4,016,651	4/12/77	Kawahara et al.			
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		4,124,026	11/7/78	Berner et al.			
		4,142,517	3/6/79	Stravropoulos et al.			
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		4,206,516	6/10/80	Pilliar			
		4,222,128	9/16/80	Tomonaga et al.			
		4,237,948	12/9/80	Jones et al.			
		4,259,072	3/31/81	Hirabayashi et al.			
		4,262,369	4/21/81	Roux			
		4,271,832	6/9/81	Evans et al.			
		4,289,123	9/15/81	Dunn			
		4,293,962	10/13/81	Fuson			
		4,328,593	5/11/82	Sutter et al.			
		4,333,469	6/8/82	Jeffcoat et al.			
		4,341,206	7/27/82	Perrett et al.			
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		4,423,721	1/3/84	Otte et al.			
		4,450,834	5/29/84	Fischer			
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		4,545,374	10/8/85	Jacobson			
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		4,570,623	2/18/86	Ellison et al.			
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		4,600,000	7/15/86	Edwards			
		4,611,581	9/16/86	Steffee			
		4,628,921	12/16/86	Rousso			
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		4,696,290	9/29/87	Steffee			
		4,710,075	12/1/87	Davison			
		4,713,004	12/15/87	Linkow et al.			
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		4,721,103	1/26/88	Freedland			
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		4,743,256	5/10/88	Brantigan			
		4,743,260	5/10/88	Burton			

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		4,790,303	12/13/88	Steffee			
		4,820,305	4/11/89	Harms et al.			
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		4,834,757	5/30/89	Brantigan			
		4,848,327	7/18/89	Perdue			
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		5,084,050	1/28/92	Draenert			
		5,122,130	6/16/92	Keller			

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		Document Number	Date	Country	Class	Sub Class	Translation Yes or No
		106 101	7/21/39	Sweden			
		0 179 695	4/30/86	France			
		0 260 044	3/16/88	Europe			
		1961531	7/9/70	Germany			
		2 581 336	11/7/86	France			
		DE 3101333 A1	12/24/81	Germany			
		DE 3132520 A1	6/16/82	Germany			
		DE 3505567 A1	6/5/86	Germany			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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Form PTO 1449

Patent and Trademark Office - U.S. Department of Commerce

OMB No. 0651-0011

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Filing Date June 7, 1995		Group 3301					
U.S. PATENT DOCUMENTS							
Examiner Initial*		Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
		Re. 34,871	3/7/95	McGuire et al.			
		4,904,260	2/27/90	Ray et al.			
		4,904,261	2/27/90	Dove et al.			
		4,936,848	6/26/90	Babgy			
		4,955,885	9/11/90	Meyers			
		4,960,420	10/2/90	Goble et al.			
		4,961,740	10/9/90	Ray et al.			
		4,968,316	11/6/90	Hergenroeder			
		4,969,888	11/13/90	Scholten et al.			
		4,987,904	1/29/91	Wilson			
		5,015,247	5/14/91	Michelson			
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		5,026,373	6/25/91	Ray et al.			
		5,055,104	10/8/91	Ray			
		5,059,193	10/22/91	Kuslich			

		5,071,437	12/10/91	Steffee			
		5,102,414	4/7/92	Kirsch			
		5,116,304	5/26/92	Cadwell			
		5,123,926	6/23/92	Pisharodi			
		5,192,327	3/9/93	Brantigan			
		5,258,031	11/2/93	Salib et al.			
		5,263,953	11/23/93	Bagby			
		5,306,309	4/26/94	Wagner et al.			
		5,364,399	11/15/94	Lowery et al.			
		5,370,662	12/6/94	Stone et al.			
		5,393,036	2/28/95	Sheridan			
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		5,397,364	3/14/95	Kozak et al.			
		5,425,772	6/20/95	Brantigan			
		5,435,723	7/25/95	O'Brien			
		5,489,307	2/6/96	Kuslich et al.			
		5,489,308	2/6/96	Kuslich et al.			
		5,571,109	11/5/96	Bertagnoli			

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub Class	Translation Yes or No
		0 307 241	3/15/89	Europe			Yes
		0 599 419 A2	6/1/94	Europe			Yes
Examiner				Date Considered			
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>							
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